

Trafficking in Persons Report 2013: Country Narratives: [Tunisia]

Tunisia is a source, destination, and possible transit country for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, migrants who fled unrest in neighboring countries to Tunisia continue to be vulnerable to trafficking in Tunisia, including some unaccompanied minors identified in Camp Shousha at the Libyan border, according to UNHCR. According to international organizations, there was an increased presence of street children in Tunisia, and more rural children are working to support their families; these children are vulnerable to forced labor and sex trafficking. Tunisian women are recruited for work in Lebanon's entertainment industry through artiste visas and are forced into prostitution after arrival. Similarly, Tunisian women are found working in Jordanian nightclubs, where some are forced into prostitution. Reporting from previous years indicated that some Tunisian girls are employed in domestic work in Tunis and other governorates; some are reportedly held under conditions of forced labor.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Overall, the government did not demonstrate evidence of increasing efforts to address human trafficking since the previous reporting period; therefore, Tunisia is placed on Tier 2 Watch List. Prior commitments to enact draft anti-trafficking legislation were not fulfilled, and the government did not develop or implement procedures to identify proactively trafficking victims among vulnerable groups. Although the government assisted an unidentified number of trafficking victims in its shelters for vulnerable groups during the reporting period, the government continued to maintain, as it has done in previous reporting periods, that trafficking in persons is not a widespread problem in Tunisia. In one instance, 85 women returning to Tunisia from forced prostitution in Lebanon were initially arrested and tried for prostitution offenses with no efforts by law enforcement officials to proactively identify them as victims of trafficking; however, 71 of the women were later identified by a judge as trafficking victims and were provided protection services. The government views human trafficking through a migration lens and does not differentiate migrant smuggling from human trafficking.

Recommendations for Tunisia: Urgently pass and enact the draft comprehensive anti-trafficking legislation that prohibits and adequately punishes all forms of human trafficking consistent with the 2000 UN TIP Protocol; use existing criminal statutes on forced labor and forced prostitution to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; urgently develop and implement formal procedures for government officials' proactive identification of victims of human trafficking (distinct from smuggling) among vulnerable groups, such as street children, undocumented migrants, girls in domestic service, and persons in prostitution; institute a formal victim referral mechanism to identify victims among undocumented migrants and offer them access to protection services; undertake a baseline assessment to better understand the scope and magnitude of the human trafficking problem in Tunisia; and continue implementing awareness campaigns about trafficking in persons and anti-trafficking trainings for all government officials.

Prosecution

The government made no discernible law enforcement effort to address human trafficking during the reporting period. The government did not enact its draft law addressing human trafficking. In various, disparate statutes, Tunisia's penal code prohibits some forms of human trafficking but prescribes penalties that are not sufficiently stringent or commensurate with penalties prescribed for other serious crimes, such as rape. For example, the penal code prescribes only one to two years' imprisonment for forced child begging. The penal code prescribes five years' imprisonment for forced prostitution of women and children and 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor, whereas the penalties prescribed for rape range from 5 years' imprisonment to the death penalty. During the reporting period, the government reported investigating two sex trafficking cases but did not report prosecuting or convicting any defendants or prosecuting any government employees for alleged complicity in trafficking-related offenses. In August 2012, the Ministry of Justice established a three-person anti-trafficking office, which is responsible for transmitting the draft anti-trafficking legislation to the two inter-ministerial anti-trafficking committees and collaborating on anti-trafficking efforts with the committees and international organizations. The government did not conduct anti-trafficking trainings for officials; however, it participated in a trafficking awareness training conducted by an international organization for police and border

security officials, as well as for law enforcement and military officials responsible for security at refugee camps. However, the government's continued official public insistence that human trafficking is not a significant problem in the country has created a disincentive for police and court officials to address trafficking cases.

Protection

The Government of Tunisia made limited efforts to protect victims of trafficking over the last year. Despite this Report's past recommendations, the government did not develop or employ procedures to guide officials in proactively identifying trafficking victims among vulnerable groups and referring them to available services, nor did it have policies to protect victims from punishment as a direct result of being trafficked. In August 2012, authorities arrested 85 Tunisian women on prostitution charges upon their return from being forced to work in Lebanon's sex trade. While the presiding judge dropped the charges for 71 of the women and ordered that they receive psychological counseling and social services after they testified they were in forced prostitution in Lebanon, an international organization reported that the rest of the women remained under arrest for illegal prostitution. An international organization identified seven Nigerian trafficking victims who had been in domestic servitude in Libya on a ship stopped and boarded by the Tunisian Coast Guard; however, the government did not provide the victims with protection or services, and the international organization repatriated them to Nigeria two weeks later. The government, in conjunction with international organizations, continued to offer temporary shelter and health, counseling, and educational services to Libyans, Syrians, and other third-country nationals fleeing political instability; however, the government did not make efforts to identify trafficking victims among this vulnerable group. The government reported that its 380 labor inspectors received training to identify abusive child labor and indicators of human trafficking, though the government failed to identify proactively any trafficking victims during the reporting period.

The government operated several shelters for marginalized and vulnerable groups, including unwed mothers, at-risk youth, and substance abusers, but there were no centers specifically for trafficking victims. International organizations reported that the Ministry of Social Services accepted referrals of foreign trafficking victims in its shelters and provided them with other social services before assisting with the repatriation process.

The government did not have any policies in place to encourage trafficking victims to participate in the prosecution of trafficking offenders, nor did it offer foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution.

Prevention

The government continued to make modest efforts to raise awareness about trafficking and to train government officials during the reporting period. The Tunisian Ministries of Social Affairs, Education, and Employment and Vocational Training maintained an anti-trafficking public awareness campaign aimed at teenagers and young adults traveling abroad , but the government's insistence that human trafficking is not a widespread domestic phenomenon undermined overall awareness efforts. The government continued to conduct background checks of all recruitment agencies operating in Tunisia; agencies were required to sign contracts with the Ministry of Employment before recruiting workers to work in Gulf countries. The two inter-ministerial anti-trafficking committees, composed of representatives of the Ministries of Justice, Interior, Foreign Affairs, Social Affairs, Health, Finance, and Women's Affairs as well as members of civil society, met a total of nine times in this reporting period. The government did not report any awareness campaigns to reduce the demand for commercial sex acts.

Full Report: <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>